

IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Susan Doxtator, Arlie Doxtator,
and Sarah Wunderlich, as
Special Administrators of the
Estate of Jonathon C. Tubby,
Plaintiffs,

vs. File No. 1:19-cv-00137-WCG

Erik O'Brien, Andrew Smith,
Todd J. Delain, Heidi Michel,
City of Green Bay, Brown
County, Joseph P. Mleziva,
Nathan K. Winistorfer, Thomas
Zeigle, Bradley A. Dernbach,
and John Does 1-10,
Defendants.

DEPOSITION OF SERGEANT MIKE KNETZGER

DATE: July 10, 2020

TIME: 2:26 p.m.

PLACE: Green Bay City Hall (* Witness Location *)

100 North Jefferson Street

Green Bay, Wisconsin 54301

REPORTED BY: PAULA K. RICHTER, RMR, CRR, CRC
(By videoconference)

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 ON BEHALF OF THE PLAINTIFFS:</p> <p>3 Mr. Forrest Tahdooahnippah, Esq. (By videoconference)</p> <p>4 DORSEY & WHITNEY, LLP</p> <p>5 50 South Sixth Street, Suite 1500</p> <p>6 Minneapolis, Minnesota 55402-1498</p> <p>7 (612) 340-2600</p> <p>8 forrest@dorsey.com</p> <p>9</p> <p>10 ON BEHALF OF THE BROWN COUNTY DEFENDANTS:</p> <p>11 Mr. Jose A. Castro, Esq. (By videoconference)</p> <p>12 CRIVELLO CARLSON, SC</p> <p>13 710 North Plankinton Avenue, Suite 500</p> <p>14 Milwaukee, Wisconsin 53203</p> <p>15 (414) 271-7722</p> <p>16 jcastro@crivellocarlson.com</p> <p>17</p> <p>18 ON BEHALF OF THE GREEN BAY DEFENDANTS:</p> <p>19 Mr. Gregg J. Gunta, Esq.</p> <p>20 GUNTA LAW OFFICES, SC</p> <p>21 9898 West Bluemound Road, Suite 2</p> <p>22 Wauwatosa, Wisconsin 53226</p> <p>23 (414) 291-7979</p> <p>24 gjg@guntalaw.com</p> <p>25 (APPEARANCES continued on next page)</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2 WITNESS: SERGEANT MIKE KNETZGER PAGE:</p> <p>3 EXAMINATION BY MR. TAHDOOAHNIPPAH..... 5</p> <p>4</p> <p>5</p> <p>6 KNETZGER EXHIBITS MARKED: PAGE:</p> <p>7 EXHIBIT 1 Green Bay Police Department</p> <p>8 Policy 303 - Control Devices</p> <p>9 and Impact Weapons..... 59</p> <p>10 EXHIBIT 2 Video from Scene, 53:33 in</p> <p>11 length, DOXT_DA0000062..... 62</p> <p>12</p> <p>13 (Original exhibits attached to original transcript;</p> <p>14 copies provided to counsel.)</p> <p>15</p> <p>16 WARYCH EXHIBITS PREVIOUSLY MARKED AND REFERRED TO:</p> <p>17 EXHIBIT 1 Amended Notice of Rule 30(b)(6)</p> <p>18 Deposition of City of Green Bay.... 9</p> <p>19 EXHIBIT 4 Partial Deposition of Colton</p> <p>20 Wernecke..... 13</p> <p>21 EXHIBIT 11 Green Bay Police Department</p> <p>22 Policy 300 - Use of Force,</p> <p>23 DEF_000001467-00001 - 7..... 43</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (Cont.)</p> <p>2 ALSO PRESENT (By videoconference):</p> <p>3 - Vanessa Chavez, Esq. - Green Bay City Attorney</p> <p>4 - Lindsey Belongea - Paralegal with Green Bay City</p> <p>5 Attorney's Office</p> <p>6 - Khalid Haleem - Law clerk with Dorsey & Whitney</p> <p>7 - Susan Doxtator</p> <p>8 - Arlie Doxtator</p> <p>9 - Sarah Wunderlich</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS</p> <p>2 (Attorneys stipulate that the court</p> <p>3 reporter can swear in the witness remotely.)</p> <p>4 SERGEANT MIKE KNETZGER,</p> <p>5 duly sworn, was examined and testified as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. TAHDOOAHNIPPAH:</p> <p>8 Q. Good afternoon, sir. Could you please state</p> <p>9 your name for the record.</p> <p>10 A. Mike Knetzger.</p> <p>11 Q. All right. Knetzger? Am I saying it</p> <p>12 correctly?</p> <p>13 A. That's correct.</p> <p>14 Q. All right. And it's Sergeant Knetzger?</p> <p>15 A. Yes.</p> <p>16 Q. All right. Well, thanks for your time today,</p> <p>17 Sergeant. Have you ever had your deposition taken</p> <p>18 before?</p> <p>19 A. Yes.</p> <p>20 Q. About how many times?</p> <p>21 A. I believe twice, but the one I recollect the</p> <p>22 most was back in the mid-1990s.</p> <p>23 Q. And was that related to work in law</p> <p>24 enforcement or something else?</p> <p>25 A. Work in law enforcement.</p>

<p style="text-align: right;">Page 6</p> <p>1 Q. All right. What kind of case was that?</p> <p>2 A. It was a case involving a jeweler who had</p> <p>3 staged a robbery and was suing a corporation.</p> <p>4 Q. And you mentioned there was another</p> <p>5 deposition. When was that?</p> <p>6 A. It would be within the last ten years, I</p> <p>7 believe, but I can't be for certain. I can't</p> <p>8 recall.</p> <p>9 Q. And was that related to your work in law</p> <p>10 enforcement or was that some separate matter?</p> <p>11 A. No. That would still be work.</p> <p>12 Q. And what was that case about?</p> <p>13 A. I can't recall.</p> <p>14 Q. Did it relate to excessive force at all?</p> <p>15 A. No.</p> <p>16 Q. All right. Was it a civil or criminal</p> <p>17 matter?</p> <p>18 A. Like I said, I can't -- I can't recall. I</p> <p>19 had some significant trauma happen in the last ten</p> <p>20 years. I just can't recall it.</p> <p>21 Q. All right. Well, I'm sorry to hear that.</p> <p>22 Since it's been a while since you've</p> <p>23 had your deposition taken, I just want to kind of</p> <p>24 go over a couple ground rules. Mr. Gunta is there</p> <p>25 with you, and I'm sure he went over this with you,</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. She can only write down what one person is</p> <p>2 saying at a time. I'm going to ask questions.</p> <p>3 Can you do me a favor and try your best to let me</p> <p>4 finish my question before you start your answer?</p> <p>5 A. Sounds good.</p> <p>6 Q. Mr. Gunta is here. He may have some</p> <p>7 objections. There's another attorney for Brown</p> <p>8 County on the line, Mr. Castro. He may have</p> <p>9 objections. So to prevent everyone from talking</p> <p>10 at the same time, you may want to just pause and</p> <p>11 give them some time for objections. Make sense?</p> <p>12 A. Yes.</p> <p>13 Q. There isn't a judge on the call. Even though</p> <p>14 there's quite a few people on this</p> <p>15 videoconference, the judge isn't one of them, so</p> <p>16 unless Mr. Gunta specifically tells you not to</p> <p>17 answer a question, I will be expecting an answer</p> <p>18 even if he objects. Make sense?</p> <p>19 A. Yes.</p> <p>20 Q. Is there anything about today -- oh, yeah,</p> <p>21 another one that's important is that you</p> <p>22 understand all my questions. So if you can't</p> <p>23 understand my question, can you ask me to clarify?</p> <p>24 A. Yes.</p> <p>25 Q. And if you go ahead and answer without asking</p>
<p style="text-align: right;">Page 7</p> <p>1 but just so that you know, there's a court</p> <p>2 reporter here. She administered an oath to you a</p> <p>3 moment ago.</p> <p>4 Do you recall that?</p> <p>5 A. Yes.</p> <p>6 Q. And she is going to transcribe everything</p> <p>7 that we say in order to make a record. And that</p> <p>8 has a few consequences, the first of which is, if</p> <p>9 you want something to be on the record, you have</p> <p>10 to say something as opposed to do something. A</p> <p>11 common sample of this is shaking your head up and</p> <p>12 down for yes and side to side for no. So instead</p> <p>13 of like nodding yes, you have to actually open</p> <p>14 your mouth and say "yes." Make sense?</p> <p>15 A. Yes.</p> <p>16 Q. Another consequence is that with certain</p> <p>17 conversational phrases like "mm-hmm," "uh-uh,"</p> <p>18 "uh-huh," you know, you can tell usually if you're</p> <p>19 in the same room with someone and talking with</p> <p>20 them if that means yes or no or what that means,</p> <p>21 but when you read it in a transcript, it's just a</p> <p>22 jumble of letters that no one can really decipher.</p> <p>23 So instead of saying things like "uh-huh," you</p> <p>24 have to say "yes" or "no." Understand?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 9</p> <p>1 for clarification, I will just assume you have</p> <p>2 understood the question. Is that fair?</p> <p>3 A. Yes.</p> <p>4 Q. Is there anything about today that would</p> <p>5 prevent you from testifying truthfully?</p> <p>6 A. No.</p> <p>7 Q. Is there anything about today that would</p> <p>8 prevent you from testifying accurately?</p> <p>9 A. No.</p> <p>10 Q. Do you understand that you are here today to</p> <p>11 testify as an organizational representative of the</p> <p>12 City of Green Bay?</p> <p>13 A. Correct.</p> <p>14 Q. All right. And there was -- you were in the</p> <p>15 room during the testimony of Commander Warych,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. All right. Did he show you how to access the</p> <p>19 exhibits that he was looking at?</p> <p>20 A. He didn't show me, but I observed.</p> <p>21 Q. All right. Can you go ahead and pull up what</p> <p>22 was Exhibit Warych Number 1?</p> <p>23 A. Okay.</p> <p>24 Q. All right. Have you seen this before?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. All right. The fifth page has a heading 2 called "Topics." 3 Do you see that? 4 A. Yes, I do. 5 Q. All right. My understanding is that you are 6 here today to talk about topics 3, 4, 5, and 6 as 7 it relates specifically to training. 8 Is that your understanding also? 9 A. Yes. 10 Q. Are you here today, as far as you know, to 11 talk about any other topics besides 3, 4, 5, 6? 12 A. Potentially 11. 13 Q. All right. Any others? 14 A. No, I don't believe so. 15 Q. All right. You mentioned you're a sergeant. 16 What division are you in? 17 A. I'm in the patrol division. 18 Q. Do you have some sort of job responsibility 19 as it relates to training that makes you uniquely 20 qualified to talk about topics 3, 4, 5, 6? 21 A. I'm on the training units with the police 22 departments and I'm also a Department of Justice 23 trainer. 24 Q. What does it mean to be a Department of 25 Justice trainer?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Met with counsel and reviewed the materials 2 that were provided to me. 3 Q. Okay. What did you review? 4 A. It was a binder of materials, including some 5 testimony from Lieutenant Michael Jansen and then 6 other Green Bay policies and procedures. 7 Documents that were discussed today. 8 Q. Did you review anything else? 9 A. Just the Wisconsin DAT manual, the 10 professional communications manual and the 11 tactical response manual. 12 Q. The DAT manual, the professional 13 communications manual -- sorry. I'm trying to 14 keep up with my notes. What else? 15 A. Tactical response. 16 Q. All right. Any other manuals? 17 A. No. 18 Q. And those three, those are Wisconsin 19 Department of Justice manuals? 20 A. Yes. 21 Q. Did you review the latest version of those 22 manuals or the version that was in effect in 2018? 23 A. The most recent versions, some of which were 24 in effect in '18 and some of which have been 25 updated.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I train in -- it's what's referred to as 2 unified tactics. Those are all of the tactical 3 disciplines within the State of Wisconsin 4 Department of Justice curriculum. And I've been 5 teaching academically and at the police academy 6 level for the past 20 years. 7 Q. When you say you've been teaching 8 academically, where do you teach or where have you 9 taught? 10 A. Northeast Wisconsin Technical College, 11 Rasmussen College, a college in St. Augustine, 12 Florida. It was a community college. Colorado 13 Technical University. And I've taught on various 14 campuses within the technical college system in 15 Wisconsin. 16 Q. How long have you been with the Green Bay 17 Police Department specifically? 18 A. I've been with the Green Bay Police 19 Department since January of 1997. 20 Q. And when were you promoted to sergeant? 21 A. I was one of the first batch of newly 22 promoted sergeants, which I believe -- we are in 23 2020 now, so 2018, I believe. Early 2018. 24 Q. All right. What did you do to prepare 25 yourself to testify at this deposition today?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. All right. Did you talk to anyone -- besides 2 counsel, either outside counsel, Mr. Gunta or his 3 staff or the city attorney's office, besides them, 4 did you talk to anyone in preparation for your 5 deposition? 6 A. No. 7 Q. Let's talk about the training regarding 8 search incident to arrest, topic number 3. 9 A. Okay. 10 Q. I would like you to look at an exhibit that 11 was previously marked as Exhibit Warych 4. 12 A. Okay. 13 Q. And if you look at about the third page of 14 the exhibit, this is just excerpts of a 15 deposition, so it says page 19 in the upper 16 right-hand corner. 17 Do you see that? 18 A. Yes. 19 Q. All right. This is Officer Wernecke's 20 testimony about how he was trained to conduct a 21 search incident to arrest. Do you know Officer 22 Wernecke? 23 A. Yes. 24 Q. Were you ever his instructor? 25 A. Yes.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. When were you his instructor?</p> <p>2 A. My best educated guess would be from 2016 or</p> <p>3 '17 through '18 or '19.</p> <p>4 Q. All right. So is that providing him</p> <p>5 instruction at a community college or with the</p> <p>6 Green Bay Police Department or both?</p> <p>7 A. That would be both.</p> <p>8 Q. All right. Were you his -- when he was at</p> <p>9 the community college, what -- or the technical</p> <p>10 college, excuse me, what subjects did you instruct</p> <p>11 him on?</p> <p>12 A. I don't recall the exact subjects that I</p> <p>13 instructed him on.</p> <p>14 Q. Would search incident to arrest have been</p> <p>15 one?</p> <p>16 A. I don't know. I would only be guessing.</p> <p>17 Q. All right. When he was -- joined the Green</p> <p>18 Bay Police Department, were you the one that</p> <p>19 instructed him how to do a search incident to</p> <p>20 arrest?</p> <p>21 A. That would have been as part of our mini</p> <p>22 academy, and I don't believe so.</p> <p>23 Q. All right. I'd like to go through what he</p> <p>24 said and find out if this is consistent with the</p> <p>25 training that the Green Bay Police Department</p>	<p style="text-align: right;">Page 16</p> <p>1 perspective of standing behind the arrestee.</p> <p>2 Is that how officers are trained to</p> <p>3 do a search incident to arrest?</p> <p>4 A. Standing behind them? Yes.</p> <p>5 Q. All right. How about starting with the right</p> <p>6 half?</p> <p>7 A. That is acceptable.</p> <p>8 Q. Is it acceptable to start with the left half</p> <p>9 as well?</p> <p>10 A. And the Zoom connection broke up. If you</p> <p>11 could just repeat the question.</p> <p>12 Q. Yeah. Is it acceptable to start on the left</p> <p>13 half rather than the right half?</p> <p>14 A. Yeah. So it would all depend upon the</p> <p>15 officer's relative positioning.</p> <p>16 Q. So if they're behind the -- behind the</p> <p>17 suspect, can they start at either half, or is</p> <p>18 there a place they're supposed to start?</p> <p>19 A. No. They can start on either half. The</p> <p>20 scenario dictates everything.</p> <p>21 Q. So when would you start left versus right?</p> <p>22 A. You may have instances where you have two</p> <p>23 officers who are searching an individual. You may</p> <p>24 have assisted an officer to their feet and you</p> <p>25 found yourself on their left side. You may be a</p>
<p style="text-align: right;">Page 15</p> <p>1 gives.</p> <p>2 He says -- the first thing he says</p> <p>3 is the individual is handcuffed with their hands</p> <p>4 behind their back.</p> <p>5 Is that the first step of how a</p> <p>6 Green Bay police officer is trained to conduct a</p> <p>7 search incident to arrest?</p> <p>8 A. That's presuming that they're handcuffed,</p> <p>9 yes.</p> <p>10 Q. All right. Next he says their feet are moved</p> <p>11 apart.</p> <p>12 Do you train your officers to have</p> <p>13 that be the second step?</p> <p>14 A. That -- the manual doesn't provide it in</p> <p>15 steps. The manual provides a set of guidelines.</p> <p>16 So that would be an acceptable guideline.</p> <p>17 Q. And which manual are you specifically</p> <p>18 referring to now?</p> <p>19 A. The DAT manual.</p> <p>20 Q. All right. So moving their feet apart,</p> <p>21 that's consistent at least with the DAT manual?</p> <p>22 A. Yes. And the Green Bay Police Department use</p> <p>23 of force policy adopts the DAT manual.</p> <p>24 Q. He says next that when he searches, he starts</p> <p>25 with the right half of the body from the</p>	<p style="text-align: right;">Page 17</p> <p>1 left-handed officer that feels more comfortable</p> <p>2 starting on the left side.</p> <p>3 Q. All right. And is that the two acceptable</p> <p>4 scenarios, starting left or right, or could you</p> <p>5 also start top half, bottom half?</p> <p>6 A. Absolutely. Those would all be acceptable.</p> <p>7 Q. And he says he begins on the right half by</p> <p>8 going over the chest area.</p> <p>9 Do you train your officers to start</p> <p>10 on the chest area?</p> <p>11 A. Again, they follow the guidelines of the DAT</p> <p>12 manual, and that would be acceptable. They are</p> <p>13 not trained in a specific methodology. They are</p> <p>14 trained to follow the guidelines for a thorough</p> <p>15 search. So this would follow that guideline.</p> <p>16 Q. All right. Why don't you read this excerpt</p> <p>17 of his deposition, page 19, lines 2 through 25,</p> <p>18 and let me know if this is an acceptable search</p> <p>19 under the DAT guidelines that you just discussed.</p> <p>20 A. Would you like me to read it aloud or to</p> <p>21 myself.</p> <p>22 Q. You can go ahead and read it to yourself.</p> <p>23 A. Okay. Based upon my review of the</p> <p>24 transcript, his searching technique would be</p> <p>25 acceptable.</p>

5 (Pages 14 - 17)

<p style="text-align: right;">Page 18</p> <p>1 Q. All right. Is there anything about his 2 searching technique that although acceptable, it 3 could use improvement? 4 A. Nothing that jumps out to me at this point, 5 no. 6 Q. All right. So officers are trained 7 specifically to check pockets during a search 8 incident to arrest; is that right? 9 A. Yes. 10 Q. And they are also trained to check the 11 waistband of a suspect? 12 A. Yes. 13 Q. And they are trained to check the ankles and 14 legs of suspects? 15 A. Yes. 16 Q. They're trained to check shoes of suspects? 17 A. Yes. 18 Q. How are they trained to check the shoes? 19 A. Again, the scenario is going to dictate the 20 action. So in some instances in the field, if you 21 have a cooperative individual, you may have them 22 take them right off in the field. You may -- you 23 could swipe alongside the shoe where the top of 24 the shoe meets the foot and the ankle area, or you 25 may very well wait until you're in a more</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Concealed weapons? Yes. 2 Q. And because officer safety is on the line, is 3 search technique and protocol something that is 4 emphasized during police academy training? 5 A. Yes. 6 Q. And is it something that is also emphasized 7 again during the Green Bay Police Department's 8 mini academy training? 9 A. Yes. 10 Q. And is it important enough to continue to 11 emphasize during the ongoing training that 12 officers receive, their annual training? 13 A. Yes. 14 Q. And using the proper search technique, you 15 know, even small items like a pack of cigarettes 16 can be found. Fair? 17 MR. GUNTA: Objection to the form of 18 the question. 19 Go ahead. 20 THE WITNESS: Are you asking me if 21 someone conducts a proper search they can find a 22 pack of cigarettes? 23 BY MR. TAHDOOAHNIPPAH: 24 Q. Yeah. 25 A. Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 controlled environment such as the jail and 2 complete that aspect of the search. 3 Q. All right. And officers are also trained to 4 check the crotch area of an arrestee, correct? 5 A. Yes. 6 Q. How are they trained to do that? 7 A. They're trained to use either the back or the 8 blade of the hand. 9 Q. Right. And the same is true for the 10 buttocks? 11 A. Yes. Any sensitive area. 12 Q. And so these are obviously sensitive areas, 13 but they need searching nonetheless because these 14 are areas where weapons or contraband are often 15 hidden. Fair? 16 A. Yes. 17 Q. And all of these areas, whether it's the 18 pockets, ankles, shoes, buttocks, it's all -- one 19 of the primary purposes -- or some of the primary 20 purposes are to detect weapons and contraband, 21 correct? 22 A. Yes. 23 Q. And you would agree with Commander Warych 24 that it's a top priority for officer safety to 25 detect any sort of secretive weapons, correct?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. And did you know that Officer Wernecke, when 2 he conducted the search, he actually found a pack 3 of cigarettes on Mr. Tubby? 4 A. No, I'm not aware of that. 5 Q. Do you have any responsibility over the field 6 training program? 7 A. I'm a field training supervisor. 8 Q. All right. So field training officers, 9 they're supposed to know the proper search 10 protocols and techniques? 11 A. Yes. 12 Q. And they're supposed to ensure that their 13 trainees are conducting proper searches in the 14 field during their field training period? 15 MR. GUNTA: Objection to form. 16 THE WITNESS: To the greatest extent 17 possible. 18 BY MR. TAHDOOAHNIPPAH: 19 Q. All right. Does the Green Bay Police 20 Department -- or do Green Bay police officers 21 receive any training specifically on handling 22 arrestees that are resistive in the sally port 23 area of the Brown County Jail? 24 A. I do not recall training specific to that 25 scenario.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. Is there any training that Green Bay police 2 officers receive that is specific to the scenario 3 of an arrestee that is refusing to exit a squad 4 car? 5 A. In any environment? 6 Q. In any environment. 7 A. There is some advanced standing training that 8 some officers have received. 9 Q. All right. And how are they trained to 10 extract someone that is unwilling to exit the back 11 of the squad car? 12 A. So within the context of your scenario, are 13 they actively resisting? 14 Q. You know, why don't you tell me both ways. 15 If they're trained on passive resistance versus 16 active resistance, just tell me both scenarios. 17 A. Well, the only advanced standing training I'm 18 referring to would fall under someone who's 19 actively resisting. 20 Q. I didn't catch that last part. Sorry. 21 A. Would you like me to expand on that? 22 Q. Yes, please. 23 A. The training involves team tactics, which is 24 an essential element of the DAT system. It is a 25 technique that utilizes the forearm of an officer</p>	<p style="text-align: right;">Page 24</p> <p>1 or its threat. 2 Q. And so is that -- are those instances 3 something that those officers were trained to do? 4 A. It would be a matter of training that occurs 5 in respect to on the job. It is a force option. 6 It is a dynamic application of a trained 7 technique. And I'm aware of it being used in the 8 field multiple times when someone is actively 9 resisting in order to get them safely out of the 10 car, to stop the active resistance. 11 Q. All right. Is it, in your opinion, 12 foreseeable that a firearm could be missed during 13 a search incident to arrest? 14 A. Yes. 15 Q. All right. If it is foreseeable, do you have 16 any training that you provide officers on how to 17 deal with an armed subject that has been placed in 18 the back of a squad car due to a missed weapon 19 during a search? 20 A. You broke up just a little bit right at the 21 end of the question, so just repeat it one more 22 time so I've got the whole thing. 23 Q. Yeah. Maybe the -- 24 MR. TAHDOOAHNIPPAH: Court reporter, 25 could you please read that back?</p>
<p style="text-align: right;">Page 23</p> <p>1 to just direct the head of the person away so they 2 can't bite or spit. And then they'll use multiple 3 officers, which is a team tactics philosophy, to 4 safely remove the person from the vehicle while 5 controlling their legs, their torso and their head 6 and controlling their rate of descent to the 7 ground so they can then be controlled and the 8 active violent resistance can be stopped. 9 Q. So is it ever appropriate to force someone 10 out of the squad car -- or use force, excuse me. 11 Is it ever appropriate to use force to get someone 12 out of the squad car if it's just passive 13 resistance, under Green Bay's training? 14 A. Passive resistance -- merely saying "no" 15 should not be met with a force response. 16 Normally, we are going to use our professional 17 communication skills in order to be effective in 18 that regard. 19 Q. Does Green Bay ever train its police officers 20 to introduce OC spray into a squad car, or other 21 car, to force someone to get out if they're being 22 uncooperative? 23 A. There have been instances where OC spray has 24 been deployed in the back seat of cars with 25 individuals who are displaying active resistance</p>	<p style="text-align: right;">Page 25</p> <p>1 (The preceding question was read by 2 the court reporter.) 3 THE WITNESS: It is impossible to 4 create scenarios for every possible situation that 5 a law enforcement officer will face. But instead 6 they are given tactics that they are able to apply 7 to various situations. So officers are provided 8 with tactics to address people who may be armed in 9 confined spaces. 10 BY MR. TAHDOOAHNIPPAH: 11 Q. Okay. And what are those tactics that 12 they're provided? 13 A. The concepts are tactics related to isolating 14 the potential threat, setting up perimeters and 15 then attempting to, you know, isolate the threat 16 to minimize harm to everybody involved within the 17 area. 18 Q. So isolating the threat, is that similar to 19 the concept of containment or is that something 20 that's distinct? 21 A. "Containment" would be another acceptable 22 word. 23 Q. So when you're -- just unpack the isolation 24 for me. What are you doing and what are you 25 trying to accomplish by isolating a potentially</p>

1 an armed subject goes into the public who has
2 threatened to use the weapon on themselves or
3 others, they could be a significant imminent risk
4 to others in the public.
5 Q. Does the Green Bay Police Department use any
6 training scenarios involving barricaded subjects?
7 A. Yes, we have done training scenarios
8 involving barricaded subjects.
9 Q. Do you train your officers to create avenues
10 for surrender for barricaded subjects?
11 A. Yes. That is part of the planning.
12 Q. All right. And when you train your officers
13 to create an avenue of surrender, does that
14 include a physical space for the person to exit
15 the barricade?
16 A. So we don't -- it all depends upon the nature
17 of the operation, is going to dictate or drive
18 what the end result is going to be. So I can talk
19 to you about it from a SWAT perspective or a use
20 of force perspective.
21 Q. All right. Well, let's start with the SWAT
22 perspective.
23 A. So in the context of your question, a SWAT
24 team may do everything they can to drive the
25 person through the front door. They may -- they

1 may do that with some chemical munitions, and then
2 they know that the person is hopefully going to
3 come out the front door, which is where we hope
4 they're going to surrender, and the arrest teams
5 can be properly prepared.

6 Q. When you're training to have -- force a
7 person out from a barricade, do you train to have
8 the arrest team ready in the event that the person
9 doesn't surrender?

10 A. Well, the job of the arrest team is to
11 arrest. So did you say in the event they do
12 surrender?

13 Q. They don't surrender.

14 A. No. The job of the arrest team is to arrest.
15 That is their job.

16 Q. So that's only if the person surrenders?
17 Then the arrest team comes in to make the arrest?

18 A. Yes. That is their role, presuming you have
19 enough personnel.

20 Q. Well, what is supposed to happen if you force
21 the person out the front door and they don't
22 surrender?

23 A. That is what your perimeter team is for.

24 Q. All right. And what is the perimeter team
25 supposed to do?

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1 A. The perimeter team, their primary role is
 2 containment.
 3 Q. So in the situation we just talked about,
 4 there's a barricade. They've been forced out.
 5 They don't surrender. Is containment achieved
 6 through nonlethal, lethal means? How are they
 7 supposed to contain?
 8 A. All of them could be an option, dependent
 9 upon your scenario.
 10 Q. In the situation where the BearCat is being
 11 used to house the arrest team, do you train with
 12 the door open, the rear door to the BearCat open
 13 or closed?
 14 MR. GUNTA: Object to the form of
 15 the question.
 16 THE WITNESS: Again, the scenario is
 17 going to dictate everything. I have been a part
 18 of or managed operations where we've done it both
 19 ways.
 20 BY MR. TAHDOOAHNIPPAH:
 21 Q. Why would you -- it seems to me that having
 22 the door open allows the arrest team to exit
 23 expeditiously. Is that the advantage of having
 24 the door open?
 25 A. Yes, that would be an advantage.

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1 Q. So in what circumstances would you want the
 2 door closed and what is that advantage?
 3 A. Maybe you're traveling from one location to
 4 another and anticipating that the arrest team is
 5 then going to have to alight from the vehicle as
 6 soon as they arrive at its location.
 7 Q. Any other reasons that the door to the
 8 BearCat would be closed, the rear door?
 9 A. Other options might be maybe having it closed
 10 affords some additional measures of cover because
 11 the BearCat allows for cover.
 12 Q. Any other reason you can think of that it
 13 would be advantageous to have the rear door to the
 14 BearCat closed?
 15 A. Not off the top of my head.
 16 Q. All right. Let's talk about the use of
 17 deadly force. Are you familiar with the training
 18 that's provided to officers on the use of deadly
 19 force?
 20 A. Yes.
 21 Q. Does Green Bay train its officers to use
 22 deadly force in the situation where a resistive
 23 subject has been incapacitated?
 24 MR. GUNTA: Object to form of the
 25 question.

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1 Go ahead.
 2 THE WITNESS: There are -- again,
 3 there is no absolute answer to that. There are
 4 instances where somebody could be incapacitated
 5 and still pose an eminent threat. And you'd have
 6 to define incapacitation.
 7 BY MR. TAHDOOAHNIPPAH:
 8 Q. All right. How about secured? Is that a --
 9 is that like a law enforcement phrase that you're
 10 familiar with, that a suspect is secured?
 11 A. It all depends upon the context of secured.
 12 There can be many versions of it.
 13 Q. Generally speaking, what does it mean to you?
 14 A. Well, I can secure somebody in the back of my
 15 car by opening the back door and having them sit.
 16 They're secured. I can have handcuffs on them.
 17 They're secured. It's more of a general phrase
 18 that officers may use.
 19 Q. All right. So does Green Bay train its
 20 police officers to refrain from using deadly force
 21 on a secured subject?
 22 A. I don't believe that is a fair question,
 23 because a secured subject can pose a deadly force
 24 threat.
 25 Q. All right. What if -- have you ever done a

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1 training scenario where someone is armed but their
 2 arms are pinned underneath them and they can't
 3 move their arms because they have either an
 4 officer or something else heavy on top of them?
 5 They're pinned down?
 6 A. I've never done a training scenario like
 7 that.
 8 Q. Under the Green Bay's practices, do you think
 9 it would be justified to use deadly force against
 10 that type of person?
 11 MR. GUNTA: Object to the scope and
 12 the form.
 13 Go ahead.
 14 THE WITNESS: Again, the scenario
 15 dictates everything, and I'll maintain my previous
 16 answer. Just because a person is secure does not
 17 mean they are not a deadly force threat. A number
 18 of law enforcement officers in America lose their
 19 lives every year with people who are quote/unquote
 20 secured.
 21 BY MR. TAHDOOAHNIPPAH:
 22 Q. How many did you say?
 23 A. I don't have an exact number for you. But
 24 I'm aware of one event in particular from the city
 25 of Milwaukee from many years ago when officers had

<p style="text-align: right;">Page 34</p> <p>1 secured a subject. He was handcuffed. He removed 2 a weapon while he was handcuffed. And when the 3 officers opened up the sally port door, the door 4 of the transport van, he shot the officers with 5 his hands secured behind his back. 6 I'm also aware of Captain John Laux 7 of the Green Bay Police Department, who was nearly 8 disarmed by a man who was secured with his hands 9 behind his back with handcuffs on and was nearly 10 disarmed. 11 Q. All right. This incident with Captain Laux, 12 when was that? 13 A. Captain Laux is now retired. That would be 14 within the last 15 years. 15 Q. All right. And this incident in Milwaukee, 16 when was that? 17 A. I would say that was early -- early 1990s. 18 Q. All right. And you're aware that there's a 19 number of people every year that are unarmed and 20 lose their lives at the hands of law enforcement 21 officers, right? 22 A. That -- I heard "unarmed" and "law 23 enforcement." 24 Q. You're aware that there are a number of 25 people that are unarmed -- unarmed civilians that</p>	<p style="text-align: right;">Page 36</p> <p>1 form. 2 THE WITNESS: Officers are trained 3 that when an individual is under control, to 4 follow the follow-through considerations within 5 the DAT manual. 6 BY MR. TAHDOOAHNIPPAH: 7 Q. So there in the DAT manual are something 8 called follow-through considerations? 9 A. Correct. 10 Q. And what does that mean, follow-through 11 considerations? 12 A. The officers check with themselves to make 13 sure they're okay. Now, we are of course 14 presuming some force has been used. Check with 15 the subject, make sure the subject is okay. 16 Render any appropriate aid. Turn over the subject 17 to the appropriate facility and then complete 18 their reports. 19 Q. Does the Green Bay Police Department train 20 its officers that once the threat from a resistive 21 subject is eliminated, they can no longer use 22 force? 23 MR. GUNTA: Objection to form of the 24 question. 25 Go ahead.</p>
<p style="text-align: right;">Page 35</p> <p>1 lose their lives at the hands of law enforcement 2 every year also, right? 3 MR. GUNTA: Object to scope and the 4 form. 5 Go ahead. 6 THE WITNESS: Yes, I'm aware of 7 that. 8 BY MR. TAHDOOAHNIPPAH: 9 Q. And there's constitutional protections that 10 are afforded to citizens to prevent something like 11 that. Fair? 12 MR. GUNTA: Objection to form. 13 THE WITNESS: You broke up at the 14 end. But if you're referring to people and their 15 constitutional rights, I completely agree. 16 BY MR. TAHDOOAHNIPPAH: 17 Q. That they have constitutional rights. You 18 agree that they exist? 19 A. Absolutely. 20 Q. All right. So what training do you give to 21 officers to respect the constitutional rights of 22 people to be free from force once they've been 23 incapacitated or secured, especially if they don't 24 pose any further threat? 25 MR. GUNTA: Object to the scope and</p>	<p style="text-align: right;">Page 37</p> <p>1 THE WITNESS: Once an individual is 2 under control, the level of force would -- should 3 be reduced accordingly. Just because they're 4 under control doesn't mean they're not posing a 5 threat. Officers can feel threats such as 6 resistive tension, that one might not be able to 7 see. 8 BY MR. TAHDOOAHNIPPAH: 9 Q. But suffice it to say that if someone is 10 under control, that the use of deadly force would 11 not be justified. Agreed? 12 A. In the context of your scenario, if control 13 has been achieved, then deadly force shouldn't be 14 necessary. 15 Q. And you would agree that that's -- that would 16 be a clearly established constitutional right of 17 the person? 18 MR. GUNTA: Object to the form of 19 the question, calls for a legal conclusion, 20 outside the scope. 21 Go ahead and answer. 22 THE WITNESS: I think it is a fair 23 conclusion that if someone is under control and 24 they don't pose a deadly force threat, then deadly 25 force wouldn't be appropriate.</p>

<p style="text-align: right;">Page 38</p> <p>1 BY MR. TAHD00AHNIPPAH:</p> <p>2 Q. Are Green Bay police officers trained that</p> <p>3 it's permissible to use deadly force to eliminate</p> <p>4 a perceived threat even if there is a risk of some</p> <p>5 crossfire?</p> <p>6 A. Yes. There is an exception to the rule of</p> <p>7 isolation called the greater danger theory.</p> <p>8 Q. And the greater danger theory, that would</p> <p>9 permit the use of deadly force even if there's</p> <p>10 some risk of crossfire?</p> <p>11 A. That is correct.</p> <p>12 Q. And that's something that all Green Bay</p> <p>13 police officers are trained on?</p> <p>14 A. Yes.</p> <p>15 Q. And that's something that is actually in the</p> <p>16 DAT manual, isn't it?</p> <p>17 A. That is correct.</p> <p>18 Q. So that's something that all Wisconsin</p> <p>19 certified law enforcement officers are trained,</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. All right.</p> <p>23 MR. TAHD00AHNIPPAH: Let's take a</p> <p>24 ten-minute break if that's okay with everyone</p> <p>25 else.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. No.</p> <p>2 Q. The annual training, how much -- what is</p> <p>3 that, like a 24-hour requirement or something like</p> <p>4 that?</p> <p>5 A. That's the minimum Wisconsin requirement.</p> <p>6 Q. All right. How many hours does the Green Bay</p> <p>7 Police Department offer?</p> <p>8 A. They offer the standard 24 hours to all sworn</p> <p>9 personnel. Additional training is given to</p> <p>10 officers and trainers with various disciplines.</p> <p>11 Q. All right. Are there -- if you're just, you</p> <p>12 know, a patrol officer without any specialty, then</p> <p>13 you just get the 24-hour minimum requirement?</p> <p>14 A. Yes, and whatever training you might send</p> <p>15 yourself through.</p> <p>16 Q. So there's some optional additional training</p> <p>17 that can be taken?</p> <p>18 A. If the officers choose to put themselves</p> <p>19 through at their own expense, yes.</p> <p>20 Q. Okay. I see.</p> <p>21 The curriculum for those 24 hours,</p> <p>22 does that change every year or is that static?</p> <p>23 A. That changes each year. And that curriculum</p> <p>24 is created by our professional standards division</p> <p>25 under the direction of Captain Balza.</p>
<p style="text-align: right;">Page 39</p> <p>1 MR. GUNTA: Okay.</p> <p>2 (A break was taken from 3:12 p.m.</p> <p>3 until 3:20 p.m.)</p> <p>4 BY MR. TAHD00AHNIPPAH:</p> <p>5 Q. Sergeant Knetzger -- did I say that right?</p> <p>6 A. Yes.</p> <p>7 Q. Great. How often is the police academy</p> <p>8 curriculum updated?</p> <p>9 A. That is a Department of Justice function. I</p> <p>10 do not know. The regional police academies are</p> <p>11 updated when the Department of Justice directs</p> <p>12 them to be updated.</p> <p>13 Q. So that's something that happens at the level</p> <p>14 of the State of Wisconsin?</p> <p>15 A. Correct.</p> <p>16 Q. How often is the curriculum for the Green Bay</p> <p>17 Police Department mini academy updated?</p> <p>18 A. I don't know the answer to that question.</p> <p>19 Q. All right. Do you know when the last time it</p> <p>20 was updated was?</p> <p>21 A. No. Outside of updates -- to my knowledge,</p> <p>22 the academy training provided to Green Bay police</p> <p>23 officers is consistent with the most recent</p> <p>24 curriculum.</p> <p>25 Q. So you don't know when the last update was?</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. All right. Does the training on use of force</p> <p>2 that's offered in that -- for the police</p> <p>3 department through the annual training, when was</p> <p>4 the last time that was updated or changed?</p> <p>5 A. I don't know. In the context of that</p> <p>6 question, updated or changed, I don't know.</p> <p>7 Q. When was the last time it was offered?</p> <p>8 A. The firearms training is offered annually.</p> <p>9 Q. Is there any other use of force training</p> <p>10 that's offered?</p> <p>11 A. Yes. TASER training is offered every two</p> <p>12 years, and then we will have occasional on-shift</p> <p>13 training on various topics.</p> <p>14 Q. When there's something that's offered, like</p> <p>15 the TASER training, say, is it -- can police</p> <p>16 officers choose which classes they go to up to 24</p> <p>17 hours or do they have to take a certain suite of</p> <p>18 classes to meet their 24-hour requirement?</p> <p>19 A. They must take the training offered by the</p> <p>20 Green Bay Police Department. We do it in-house</p> <p>21 with our trainers.</p> <p>22 Q. All right. And so those 24 hours, that's the</p> <p>23 same for everybody, same courses?</p> <p>24 A. Yes. The 24 hours, yes.</p> <p>25 Q. So it's not like there's 36 hours and you can</p>

<p style="text-align: right;">Page 42</p> <p>1 just -- of courses and you can just pick 24 hours 2 worth of courses that you want to do. It's a set 3 24-hour course curriculum for each officer? 4 A. Correct. 5 Q. And I presume the training of each officer is 6 maintained on a record somewhere? 7 A. Yes, within the professional standards 8 division, run by Captain Balza. 9 Q. Has any of the training that the Green Bay 10 Police Department offers, whether, you know, the 11 24 hours, any additional courses, the mini 12 academy, changed as a result of this incident 13 involving Mr. Tubby? 14 A. Not that I'm aware of. 15 Q. Has any of the training that's offered by the 16 Green Bay Police Department, again in whatever 17 form, changed as a result of the recent incident 18 with George Floyd? 19 MR. GUNTA: Object to the form of 20 the question and scope. 21 THE WITNESS: No, because our 22 training that we offer our officers, it is our 23 stance that we do not utilize those tactics that 24 were used in that event. 25 BY MR. TAHDOOAHNIPPAH:</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Yes. 2 Q. Can you point me towards where in this policy 3 is the training on the duty to intervene that you 4 were discussing a moment ago? 5 A. 300.2.1, duty to intercede. 6 Q. So that is on the bottom of the first page? 7 A. That is correct. 8 Q. So this is -- this is a policy manual 9 chapter, right? 10 A. Yes. 11 Q. This isn't like the -- this isn't a training 12 outline or training materials, per se? 13 A. No, but there's training related to this 14 subject. 15 Q. All right. So how much training do officers 16 receive on this subject? 17 A. Within the professional communications 18 manual, there is a subject universally known as an 19 officer override. An officer override is very 20 similar to the duty to intercede. 21 Q. So that professional communications manual 22 that you're referring to, that's something that's 23 published by the Wisconsin DOJ? 24 A. Yes. And adopted by the City of Green Bay. 25 Q. So in there they talk about officer override.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. What kind of training does the Green Bay 2 Police Department offer its officers or require 3 its officers to take regarding the duty to 4 intervene to prevent unconstitutional force by 5 another officer? 6 MR. GUNTA: Object to the scope and 7 the form. 8 Go ahead. 9 THE WITNESS: There is a statement 10 within our DAT policy that relates to that. And I 11 should say our defensive and arrest tactics 12 policy -- or use of force policy, to be more 13 accurate. 14 BY MR. TAHDOOAHNIPPAH: 15 Q. So are you referring to like the Green Bay 16 use of force policy, what is it, 300? 17 A. It should be -- yeah, in the policy section, 18 there should be a statement that addresses your 19 question. 20 Q. All right. So let's go to Exhibit Warych 21 12 -- oh, no, sorry. That's the wrong one. 22 Exhibit Warych 11. 23 A. Okay. 24 Q. All right. So this is the Green Bay Police 25 Department use of force policy, correct?</p>	<p style="text-align: right;">Page 45</p> <p>1 I've seen that before. But again, is that -- 2 that's not like a training outline or something. 3 So how can I know how much training on the duty to 4 intervene is given to Green Bay police officers? 5 A. You would have to reference a lesson plan 6 submitted to an academy to see the amount of time 7 that was spent on officer overrides. I can tell 8 you, in addition to the academy training at the 9 Green Bay PD mini academy, I teach the 10 professional communications section. Every 11 officer, including Officer Wernecke, since he was 12 mentioned, has been through my training. Not only 13 is he given a block of instruction on officer 14 overrides; he is also given a scenario on officer 15 overrides. 16 Q. All right. And that scenario, is that just 17 part of the standard curriculum, not just limited 18 to Officer Wernecke? 19 A. It's part of the standard -- my standard 20 curriculum, yes, and I can testify to that. 21 Q. Does that scenario involve use of force? 22 A. It is -- that scenario involves a 23 communication scenario of inappropriate 24 communication, which could lead to force. 25 Q. Right. And officer override, that applies to</p>

<p style="text-align: right;">Page 46</p> <p>1 inappropriate communication and use of force. 2 Fair? 3 A. I would agree. 4 Q. So of the officer override training and your 5 curriculum, how much is dedicated specifically to 6 intervening to prevent excessive force? 7 A. The idea of intervening isn't a subject 8 within itself. The idea of intervening is a 9 concept that officers -- that's part of the entire 10 curriculum. It's just not pigeonholed. So I 11 would say there's hours spent on that concept. 12 Q. In the context of officer override, between 13 communication and use of force, what proportion of 14 the instruction is on communication and what 15 proportion is on use of force? 16 MR. GUNTA: Objection, scope and 17 form. 18 Go ahead, sir. 19 THE WITNESS: Again, you'd have to 20 refer to a lesson plan that is consistent or 21 derived from this -- the DOJ materials in order to 22 best answer that question. 23 BY MR. TAHDOOAHNIPPAH: 24 Q. All right. How about when you're giving the 25 training in your mini academy?</p>	<p style="text-align: right;">Page 48</p> <p>1 MR. GUNTA: You just came through 2 like you were underwater, so it all broke up. 3 Would you read it back to us, ma'am. 4 (The preceding question was read by 5 the court reporter.) 6 MR. GUNTA: Objection; outside the 7 scope, and form. 8 Go ahead. 9 THE WITNESS: The -- not only the 10 George Floyd incident, but any time a significant 11 incident occurs in law enforcement, it causes us 12 to always reexamine our training and our 13 practices. So any incident, not just the George 14 Floyd incident, always causes us to have 15 self-reflection into our training and our tactics. 16 BY MR. TAHDOOAHNIPPAH: 17 Q. So has that self-reflection resulted in any 18 change to the greater emphasized duty to intervene 19 to prevent the use of force? 20 MR. GUNTA: Same objection; outside 21 the scope, and form. 22 Go ahead. 23 THE WITNESS: That topic has been 24 discussed, among others. 25 BY MR. TAHDOOAHNIPPAH:</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. GUNTA: Same objections. 2 Go ahead, sir. 3 THE WITNESS: My training is a 4 four-hour block. 5 BY MR. TAHDOOAHNIPPAH: 6 Q. And how much -- what proportion of that 7 relates to communication and what relates to use 8 of force as it concerns officer override? 9 MR. GUNTA: Same objections, scope 10 and form. 11 Go ahead. 12 THE WITNESS: It is a theme that I 13 constantly revisit, so I would argue that it's 14 contained within the entire training, plus a 15 scenario. 16 BY MR. TAHDOOAHNIPPAH: 17 Q. All right. But the four hours that you 18 reference, what proportion is communication and 19 what proportion is use of force? 20 A. It's only a communication skills segment, so 21 that's all communication skills. 22 Q. Going back to the George Floyd incident, you 23 know, that hasn't caused anyone at the Green Bay 24 Police Department to reexamine how much training 25 is given regarding the duty to intervene?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. But there has been no change to the training 2 as of yet? 3 A. No. Because, again, I go back to my previous 4 answer. We believe our training would not create 5 the environment where that would occur. 6 Q. Is there any training that's given regarding 7 the practice of having a ride-along? 8 A. There is a policy on a ride-along. 9 Q. All right. And are officers trained on that 10 policy at all? 11 A. It's one of the policies that they must read 12 and indicate that they have read, and it's a 13 well-known practice within the police department. 14 Q. Are there any requirements as to when a 15 ride-along can be -- when you can have a 16 ride-along with you on duty? 17 MR. GUNTA: I'm going to object as 18 outside the scope and form. 19 Go ahead and answer. 20 THE WITNESS: I would have to have 21 the policy in front of me. I know there is a 22 years-on requirement, but I would be just guessing 23 on the minimum years that an officer must have on 24 to have a ride-along. 25 BY MR. TAHDOOAHNIPPAH:</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Is there any training about whether it is 2 appropriate to bring a ride-along to a situation 3 where there may be an armed subject? 4 A. It's addressed in the policy. 5 Q. And what does the policy say about that? 6 A. Is there a copy of the policy that I can 7 refer to or would you like me to give you my best 8 educated summary? 9 Q. If you can point me to a number, I can try to 10 pull it up if I have it. If you don't know a 11 number, then you're going to have to just give me 12 your best idea and summary. 13 A. I don't have the number in front of me, but 14 the guidelines are -- 15 MR. GUNTA: I'm going to object to 16 scope and to form. 17 But go ahead. 18 THE WITNESS: I believe the 19 guidelines are that individuals who are -- 20 civilian individuals who are involved in a 21 ride-along should not be brought to a weapons 22 scene. There used to be a rule that they -- we 23 would drop them off at a safe location. We have 24 kind of gotten away from that due to the potential 25 risk it may pose. Ideally, the officer should not</p>	<p style="text-align: right;">Page 52</p> <p>1 assuming that there may be some potential 2 indicators, like I see a bulge here or a bulge 3 there, or are we just merely being unambiguous and 4 saying we don't know? 5 Q. Let's say there's a bulge. You don't know if 6 it's a weapon or not. How are officers trained? 7 You know, I assume there's some sort of decision 8 tree about where to go if they're armed or 9 unarmed. But, you know, help me out in 10 understanding what the training is when it's 11 ambiguous because it's a bulge but we don't know 12 if it's a weapon. 13 MR. GUNTA: Objection to scope and 14 form. 15 Go ahead. 16 THE WITNESS: The police department 17 has offered training sponsored by the FBI on the 18 characteristics of armed gunmen. In that training 19 officers are trained to look for bulges, if you 20 will, physiological indicators, clothing 21 indicators that may indicate whether or not 22 somebody is armed. 23 BY MR. TAHDOOAHNIPPAH: 24 Q. All right. So if they're going -- you know, 25 you mentioned that a lot of these situations are</p>
<p style="text-align: right;">Page 51</p> <p>1 go unless the incident is of such magnitude where 2 the officer must respond and then to drop off the 3 individual at a safe location. 4 BY MR. TAHDOOAHNIPPAH: 5 Q. It seems to me that some of the training that 6 is offered in different scenarios is different 7 between an armed and an unarmed subject; is that 8 fair? 9 MR. GUNTA: Objection to the form. 10 Go ahead. 11 THE WITNESS: Again, the scenario 12 would dictate everything, so you obviously create 13 scenarios for armed incidents and unarmed 14 incidents. 15 BY MR. TAHDOOAHNIPPAH: 16 Q. Is there any training about how to determine 17 whether someone is armed when it's ambiguous? 18 MR. GUNTA: Objection to the form of 19 the question and the scope. 20 Go ahead and answer. 21 THE WITNESS: When you use the word 22 "ambiguous," are you referring to unclear? 23 BY MR. TAHDOOAHNIPPAH: 24 Q. Yes. 25 A. And when you're referring to unclear, are you</p>	<p style="text-align: right;">Page 53</p> <p>1 dynamic and just require the application of 2 tactics; is that fair? 3 A. I'm not sure if I mentioned that, but 4 oftentimes use of force events are rapidly 5 unfolding and dynamic. 6 Q. So given the dynamic nature and the different 7 response that officers would have if someone was 8 armed versus unarmed, how are they trained to make 9 that call when it's -- if it's unclear? 10 MR. GUNTA: Object to the scope and 11 form. 12 Go ahead. 13 THE WITNESS: They are going to rely 14 upon their training and experience from what 15 they've received in the police academy, to any 16 specialized training and their experiences in the 17 field. Every officer is different. 18 BY MR. TAHDOOAHNIPPAH: 19 Q. If an officer perceives or believes someone 20 to be armed, are they trained to communicate that 21 fact to other law enforcement officers? 22 A. Ideally, yes. 23 Q. And are they trained to specifically say that 24 the suspect is armed or has a gun? 25 A. I would not -- I don't think the word</p>

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1 "specific" is an accurate characterization, but
2 ideally, if time permits, they should convey
3 something to indicate that the person is armed.
4 Q. All right. If they believe the person is
5 armed, then wouldn't you agree that it's
6 important, if time permitting, to say that the
7 person is armed rather than that the person has
8 just something in their hands or something similar
9 like that?
10 MR. GUNTA: Objection on scope and
11 form.
12 Go ahead.
13 THE WITNESS: Ideally, the more
14 specific the language, the better.
15 BY MR. TAHDOOAHNIPPAH:
16 Q. And how about kind of language -- are they
17 trained to use any particular language if they
18 believe someone is armed?
19 MR. GUNTA: Objection; scope and
20 form.
21 Go ahead.
22 THE WITNESS: Yes. In the academy
23 training that I have been a part of, we have
24 trained them to use phrasing that is clear and
25 simple, such as "gun" or "knife."

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1 MR. TAHDOOAHNIPPAH: All right.
2 Let's take another just short, quick break.
3 (A break was taken from 3:41 p.m.
4 until 3:44 p.m.)
5 MR. TAHDOOAHNIPPAH: On topic 11,
6 the witness mentioned that he would be prepared to
7 talk about that. The same thing was said by
8 Commander Warych. And I think with respect to
9 Commander Warych, the City indicated its
10 preference was just to leave topic 11 for next
11 week when we have Chief Smith. And I just want to
12 confirm that that is also the case for Sergeant
13 Knetzger here.
14 MR. GUNTA: Can you give us a
15 second, please? I want to ask the witness
16 something.
17 (Off the record briefly.)
18 MR. GUNTA: Forrest, I just had a
19 brief conversation with the sergeant, and the
20 sergeant is clearly capable and available and
21 ready to testify on the training regarding the use
22 of OC spray in confined spaces such as a vehicle
23 and probably the most qualified to do that.
24 MR. TAHDOOAHNIPPAH: Well, I'm fine
25 to ask him some questions about it as long as you

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1 agree that it's not prejudicing my ability to
2 revisit topic 11 with Chief Smith next week.
3 MR. GUNTA: I see no problem with
4 that. I think what the -- I'm just going to state
5 this on the record. I think what the issue was
6 this morning or earlier today with the commander
7 was, he wasn't prepared on the policies, practices
8 and customs, and that was a problem. So let's
9 proceed. I'm not going to say that you have
10 exhausted your area of inquiry on this topic
11 today, but I will say that this officer is the --
12 this sergeant is the most qualified to testify on
13 behalf of the corporation, the training, the use
14 of OC spray in confined spaces such as a vehicle.
15 MR. TAHDOOAHNIPPAH: All right.
16 Great.
17 BY MR. TAHDOOAHNIPPAH:
18 Q. Then why don't you tell me, Sergeant
19 Knetzger, what is the Green Bay police training on
20 using the OC spray in confined spaces such as a
21 vehicle?
22 A. And did you say the police training? Because
23 it did break up there.
24 Q. Yeah.
25 A. So the OC spray curriculum does not

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1 necessarily address deploying OC spray in the back
2 of a vehicle. It also doesn't specifically say
3 you can only deploy OC spray in X, Y, or Z
4 environment. So regardless as to where OC spray
5 is deployed, you're still going to have to follow
6 the same protocols.
7 Q. Is there any location where it is prohibited
8 or trained not to deploy OC spray?
9 A. There are some environments where we would
10 like to avoid it. Like, for example, in a
11 hospital we try to avoid it because it will get
12 sucked up into all the ventilation system and
13 possibly create a hazard to other patients that
14 are within the environment. So that would be one
15 area we would not ideally -- it's not prohibited,
16 but ideally not to do.
17 Q. Are there any other environments where you
18 train your officers that it is less than ideal to
19 use OC spray?
20 A. Again, I can come up with various scenarios.
21 The general rule of thumb is, you don't want to
22 deploy a less lethal device where it could create
23 a lethal outcome. Like, for example, you wouldn't
24 use a less lethal device on a suicidal subject who
25 is on a bridge.

<p style="text-align: right;">Page 58</p> <p>1 Q. Okay. Any other example that you can think 2 of? 3 A. Not at the moment. 4 Q. All right. So as far as locations where 5 training says that OC spray may not be 6 appropriate, hospitals is the main one? 7 A. Yes. That's the most consistent one, I 8 believe. 9 Q. Are there any other spaces, just because of 10 their confined nature, where OC spray is 11 considered to be -- have undesirable effects, like 12 due to just the confined nature of the space? 13 A. Well, I'm not aware of OC ever having any 14 desirable effect. I've been exposed to it many 15 times. So no. It's used in jails in confined 16 spaces all the time. 17 Q. How about greater than an intended effect due 18 to the confined nature? Anyplace where it's 19 discouraged due to a greater effect, due to the 20 confined nature of the environment? 21 A. No, not that I can think of. 22 Q. All right. As far as the protocol for 23 deploying OC spray, OC spray is only supposed to 24 be deployed against active resistive subjects; is 25 that fair?</p>	<p style="text-align: right;">Page 60</p> <p>1 spray -- two short paragraphs. 2 Q. All right. And that's 303.7, 303.7.1? 3 A. Correct. 4 Q. Those are the two paragraphs? 5 A. Correct. 6 Q. Are you familiar with different cannister 7 sizes of OC spray? 8 A. Yes. 9 Q. Is there a cannister size that's known as an 10 MK-19? 11 A. The MK-19 is referring to a brand name, I 12 believe. Each brand has various different 13 cannister sizes. Some are on an officer's belt; 14 others are larger, with more aerosol in it. 15 Q. Okay. So are you familiar with MK-19? 16 A. I'm familiar with that brand. 17 Q. How large of a cannister is that? 18 A. I don't know the exact size of the cannister. 19 And again, you may be referring to the model or 20 the size of the cannister, so I'm not sure. 21 Q. So others have testified that MK refers to 22 like the brand and the number, like 3, 9, 19, 23 refers to the size; is that accurate? 24 A. That sounds accurate. 25 Q. But are you not familiar with the specific</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Active resistance or its threat. 2 Q. All right. Do you train your officers to 3 give a warning before deploying OC spray? 4 A. Ideally, a warning is -- should be given if 5 the scenario allows for it. It's not an absolute. 6 Q. All right. If practical, a warning should be 7 given? 8 A. That sounds fair. 9 Q. All right. I want to mark an exhibit here. 10 Let me find the right one. 11 (Exhibit 1 was marked for 12 identification.) 13 BY MR. TAHDOOAHNIPPAH: 14 Q. There should be one that pops up in front of 15 you that's called -- Knetzger was too long. But 16 it's called Knetzge-1. 17 A. I have it. 18 Q. Have you ever seen this document before? 19 A. Yes, I have. 20 Q. What is it? 21 A. Green Bay Police Department policy 303, 22 control devices and impact weapons. 23 Q. Is this the Green Bay Police Department 24 policy that would govern the use of OC spray? 25 A. Yes. There is a short paragraph on OC</p>	<p style="text-align: right;">Page 61</p> <p>1 size of MK-19? 2 A. No. I would have to look at some data to 3 refresh my memory. 4 Q. Is it true that Green Bay trains its police 5 officers to get medical attention for someone if 6 they've been sprayed with OC and have contact 7 lenses? 8 A. I don't know if that is a requirement. 9 Q. But is it encouraged for someone to seek 10 medical attention for someone that's been sprayed 11 with OC if the person sprayed has contact lenses? 12 A. The City of Green Bay adopts the DAT manual. 13 The DAT manual has a section on OC spray. It 14 indicates people with contact lenses, at some 15 point when the scene is safe, you can -- you have 16 some options. You could allow them to remove the 17 lenses themselves. You could also, if the 18 scenario dictates, have them get medical 19 attention. 20 Q. And that's because some of the spray will get 21 trapped underneath the lens and cause a chemical 22 burn on the eye? 23 A. The -- I don't think the phrase "burn" is 24 accurate. It could cause some additional 25 prolonged irritation.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. All right. If you go to where you're pulling 2 up the exhibits, are you able to see folders that 3 have depositions of other people, with other names 4 and dates on them? 5 A. Okay. I have depositions -- deposition of 6 City of Green Bay July 10th, today. And then 7 marked exhibits. That's what I see. 8 Q. All right. So you don't have other folders 9 for like deposition of Brown County or something 10 like that? 11 A. No. 12 Q. All right. Let me -- give me a second here 13 then just to get an exhibit ready that was marked 14 in a prior depo. 15 MR. TAHDOOAHNIPPAH: I'm having 16 technical difficulty with opening this file, so 17 let's just take a break for a second, and I will 18 be back when I get this video working. 19 (A break was taken from 3:59 p.m. 20 until 4:13 p.m., after which time Exhibit 2 was 21 marked for identification.) 22 BY MR. TAHDOOAHNIPPAH: 23 Q. Sergeant Knetzger, I'd like you to go to the 24 41-minute mark of the video that has been marked 25 as Knetzge Exhibit 2. This is the video that was</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Yes. 2 Q. When would Green Bay train its officers to 3 use a cannister of that size? 4 A. From a training perspective, a cannister of 5 that size is carried by road supervisors and 6 sergeants and by members of the SWAT team. 7 Q. All right. And for what purpose are they 8 trained to use those larger cannisters of OC 9 spray? 10 A. A cannister of OC spray of that size can be 11 used for anything from crowd control, to multiple 12 individuals that might be present, to disperse 13 into a confined space, such as an apartment or 14 house, to cover a distance that may not be as 15 effective with a belt-sized OC spray. This 16 cannister has a greater range compared to the ones 17 that an officer carries on their belt. 18 Q. Do you know about how many ounces of OC spray 19 are in a cannister like that? 20 A. No, I don't. I'd be guessing. 21 Q. And the purpose of training -- the purpose of 22 using OC spray is to get a reaction from the 23 person that's hit with the spray, correct? 24 MR. GUNTA: Object to the form of 25 the question.</p>
<p style="text-align: right;">Page 63</p> <p>1 produced with Bates number DOXT_DA00000622. 2 A. Okay. 3 Q. You're at the 41-minute mark? 4 A. Yes. 5 Q. Do you see the BearCat? 6 A. Yes. 7 Q. And there's an officer in the turret? 8 A. Yes. 9 Q. And that's Officer Eric Allen. Do you know 10 him? 11 A. Yes. 12 Q. And you see he's holding a blue cannister? 13 A. I can see a blue cannister, yes. 14 Q. Do you recognize that as a cannister of OC 15 spray? 16 A. It could be a cannister of OC spray. It 17 could also be another chemical munition, but it's 18 a cannister of a chemical munition. 19 Q. Assuming that is a cannister of OC spray, 20 would you have any idea as to the size of that 21 cannister? 22 A. It just looks larger than what you carry on 23 your duty belt. 24 Q. When would Green Bay -- does Green Bay have 25 cannisters that are about that size?</p>	<p style="text-align: right;">Page 65</p> <p>1 Go ahead, sir. 2 THE WITNESS: It is to stop active 3 resistance or its threat. That's the purpose. 4 BY MR. TAHDOOAHNIPPAH: 5 Q. All right. So in training officers using OC 6 spray, you know that it may not stop the 7 resistance, right? 8 A. Correct. It is not effective all the time. 9 Q. But even in times when it's not effective 10 with stopping resistance, it may have an effect on 11 the person, right? 12 MR. GUNTA: Object to the form. 13 Go ahead. 14 THE WITNESS: Everybody is affected 15 by OC spray differently. 16 BY MR. TAHDOOAHNIPPAH: 17 Q. But the purpose -- or not the purpose, but 18 the expected outcome of hitting someone with OC 19 spray is to get some form of reaction? 20 A. It is to get compliance. 21 Q. You hope for compliance, but you know you'll 22 probably get at least some kind of reaction. 23 Fair? 24 A. When you refer to reaction, it's -- the 25 reaction is going to depend on its effect.</p>

<p style="text-align: right;">Page 66</p> <p>1 Everyone is going to react differently. 2 Q. On what percent of people does it have no 3 effect? 4 A. Do you want an empirical answer or do you 5 want a trainer's experience? 6 Q. Whatever kind of answer you're able to give 7 me. 8 A. From my personal experience, OC spray is 9 effective about 85 percent of the time. 10 Q. Okay. So the strong majority of the time, it 11 will have -- it will create a reaction in the 12 person that's sprayed. Fair? 13 MR. GUNTA: Object to form of the 14 question. 15 Go ahead. 16 THE WITNESS: And the extent of the 17 reaction will depend upon the individual. 18 BY MR. TAHDOOAHNIPPAH: 19 Q. And the extent of the reaction will also 20 depend on the amount of OC spray used. Fair? 21 A. I don't think that's fair. 22 Q. So if I get sprayed in the face for one 23 second versus ten seconds, you would expect the 24 same reaction? 25 A. Yes. I would expect a similar reaction.</p>	<p style="text-align: right;">Page 68</p> <p>1 case? 2 MR. GUNTA: Objection to form. 3 You can answer. 4 THE WITNESS: Because I go back to 5 my same answer much. It's not volume of OC spray 6 that creates the effect; it's the Scoville Heat 7 Units that creates the effect. What typically 8 determines its difference is where it hits 9 somebody on the body. Chest, versus neck, versus 10 forehead, versus nose, versus eyes. 11 BY MR. TAHDOOAHNIPPAH: 12 Q. So if someone is sprayed in the eyes, is that 13 the worst? 14 MR. GUNTA: Object to form of the 15 question. 16 THE WITNESS: I think that calls for 17 an opinion. Do you want my opinion? 18 BY MR. TAHDOOAHNIPPAH: 19 Q. Sure. 20 MR. GUNTA: Hold on a second. 21 Objection to scope and to form. 22 Go ahead. 23 THE WITNESS: I disagree with that 24 statement. The ideal location is just above the 25 eyes due to what is called a splashback effect.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. All right. You would expect there to be a 2 greater reaction with more OC spray, wouldn't you? 3 A. In my experience, I have -- I have been 4 exposed to OC spray four times. I don't recommend 5 it. And I have exposed people to OC spray by 6 taking a cotton swab and putting it underneath 7 their eyes. And again, everybody is different. I 8 have had similar effects of a one-second burst and 9 a swab underneath an eye when it comes to an 10 exposure of OC spray. I've had contrasting 11 effects. So everybody's reaction to it is going 12 to be individual dependent. 13 Q. Well, for you, in the four times you were 14 exposed, did you ever get exposed with more or 15 less spray or was it always the same amount? 16 A. No. I've been exposed to various quantities. 17 Q. Well, wouldn't you agree that the time that 18 you were exposed to the greatest quantity was the 19 most unpleasant? 20 A. Not in my experience, no. It's not -- it's 21 not the quantity of the OC spray that determines 22 its effect. It is the Scoville Heat Units. 23 Q. Well, it seems sort of like common sense to 24 me that the more spray you get, the stronger it 25 is. So can you explain why that wouldn't be the</p>	<p style="text-align: right;">Page 69</p> <p>1 BY MR. TAHDOOAHNIPPAH: 2 Q. So just above the eyes is the ideal place to 3 hit someone? 4 A. Yes. 5 Q. All right. So assuming the same person is 6 hit in the same location, just above the eyes, 7 wouldn't you agree that more OC spray would cause 8 a greater effect? 9 MR. GUNTA: Objection to form. 10 Go ahead, sir. 11 THE WITNESS: No, I do not agree. 12 BY MR. TAHDOOAHNIPPAH: 13 Q. So even though OC spray has -- it has some 14 essential oils from peppers in it, right, 15 something like that? 16 A. Correct. It's not something like that. It's 17 from peppers. 18 Q. And it's specifically the oils from the 19 pepper? 20 A. Oleoresin capsicum is what it stands for. 21 Q. Fair enough. Which means that there's oils 22 from the -- 23 A. The pepper plant. 24 Q. -- from the pepper plant? 25 A. Uh-huh.</p>

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1 Q. And the pepper is what gives it its Scoville
2 Heat Units, right?
3 A. It sure does.
4 Q. So you're telling me that it doesn't matter
5 if you're hit with ten milliliters versus one
6 milliliter of the exact same spray from the same
7 pepper plant? Is that what you're telling me?
8 A. I'm telling you, based upon my training and
9 experience, it is not the quantity of OC that
10 determines its effect; it is the Scoville Heat
11 Units. And again, back to my previous answer, the
12 location of where it's dispersed.
13 Q. So if you have one milliliter of 1,000
14 Scoville Heat Units, it's going to affect you the
15 same as one liter of one of the same substance
16 that's rated at 1,000 Scoville Heat Units. Is
17 that what you're telling me?
18 MR. GUNTA: Objection to the form of
19 the question.
20 Go ahead.
21 THE WITNESS: I think that is a --
22 I'm just going to go back to my previous response.
23 In my experience, the quantity of OC spray is not
24 the determining factor.
25 BY MR. TAHDOOAHNIPPAH:

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1 Q. Well, I'm not saying it is the determining
2 factor. The determining factor is multifaceted;
3 between location, individual reaction and also
4 quantity. Fair?
5 A. I believe the greater weight is given to
6 Scoville Heat Units.
7 Q. Right. But quantity plays a part, at least
8 some part, in how strong the reaction will be?
9 A. Sure. It may be a factor, but in my
10 experience, it's not the determining factor.
11 Q. All right. But it is a factor. Fair?
12 A. Sure. We'll agree that it's a factor.
13 Q. All right.
14 MR. TAHDOOAHNIPPAH: We've been
15 going a while. Let's take a short break.
16 (A break was taken from 4:23 p.m.
17 until 4:27 p.m.)
18 THE WITNESS: Counsel and court
19 reporter, can I add one thing about the OC spray
20 quantity?
21 BY MR. TAHDOOAHNIPPAH:
22 Q. It's fine with me, yeah.
23 A. I just wanted to add that another reason for
24 the quantity is -- or where it's beneficial is for
25 target acquisition and ensuring that the ideal

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1 location is hit for its desired effect.
2 Q. And you mentioned the desired effect being
3 compliance with law enforcement; is that right?
4 A. The -- no. The desire -- the purpose of
5 desired effect of utilizing OC spray is to stop
6 active resistance or its threat. That's what
7 it's --
8 Q. And how specifically does OC spray induce or
9 cause the stopping of active resistance or the
10 threat of active resistance?
11 A. Well, when OC -- when OC spray is effective,
12 it causes a burning sensation. That's a layman's
13 term. The way that I describe it is it feels like
14 very hot sand is in your eyes, and every time you
15 blink, you can feel that in there. It causes the
16 hands to come to the face, and it causes most
17 people to want to go to the ground, because the
18 first thing they seek is safety to the ground. So
19 they want to go to the ground and find the ground.
20 And then when you have them on the ground, you can
21 give the surrender ritual commands and then safely
22 take them into custody.
23 Q. You said "surrender ritual commands." What
24 are those?
25 A. That is a universal phrase to describe when

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1 officers tell people that they are under arrest,
2 stay on the ground, hands out to your sides, palms
3 up and don't move. That's the surrender ritual.
4 Q. And we talked before, it's advisable, it's
5 practical to give a warning and ask someone to
6 surrender before deploying OC in the first place?
7 A. In an ideal circumstance, yes.
8 Q. All right.
9 MR. TAHDOOAHNIPPAH: I don't have
10 any further questions for you at this time. I
11 really appreciate your time this afternoon and
12 waiting around all morning. I appreciate that
13 too. So thank you.
14 THE WITNESS: All right.
15 MR. CASTRO: I don't have any
16 questions.
17 THE WITNESS: Questions, Jose?
18 MR. CASTRO: No, no questions.
19 THE WITNESS: Sorry I addressed you
20 by your first name, by the way.
21 MR. CASTRO: That's okay.
22 THE WITNESS: Am I excused?
23 MR. TAHDOOAHNIPPAH: If Gregg has no
24 questions, then yes.
25 MR. GUNTA: I have no questions.

<p style="text-align: right;">Page 74</p> <p>1 (The deposition was concluded at 2 4:30 p.m.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 76</p> <p>1 Veritext Legal Solutions 2 1100 Superior Ave 3 Suite 1820 4 Cleveland, Ohio 44114 5 Phone: 216-523-1313 6 7 July 24, 2020 8 9 To: Mr. Gunta 10 11 Case Name: Doxtator, Susan, Et Al. v. O'Brien, Erik, Et Al. 12 Veritext Reference Number: 4148049 13 14 Witness: Sergeant Mike Knetzger Deposition Date: 7/10/2020 15 16 Dear Sir/Madam: 17 18 Enclosed please find a deposition transcript. Please have the witness 19 review the transcript and note any changes or corrections on the 20 included errata sheet, indicating the page, line number, change, and 21 the reason for the change. Have the witness' signature notarized and 22 forward the completed page(s) back to us at the Production address 23 shown 24 above, or email to production-midwest@veritext.com. 25 26 If the errata is not returned within thirty days of your receipt of 27 this letter, the reading and signing will be deemed waived. 28 29 Sincerely, 30 Production Department 31 32 33 NO NOTARY REQUIRED IN CA</p>
<p style="text-align: right;">Page 75</p> <p>1 REPORTER'S CERTIFICATE 2 STATE OF WISCONSIN 3 4 I hereby certify that I reported the deposition of 5 SERGEANT MIKE KNETZGER, on July 10, 2020, in Green 6 Bay, Wisconsin, and that the witness was by me first 7 duly sworn to tell the whole truth; 8 That the testimony was transcribed by me to the best 9 of my ability and is a true record of the testimony 10 of the witness; reading and signing was not 11 reserved. 12 13 That the cost of the original has been charged to 14 the party who noticed the deposition, and that all 15 parties who ordered copies have been charged at the 16 same rate for such copies; 17 That I am not a relative or employee or attorney or 18 counsel of any of the parties, or relative or 19 employee of such attorney or counsel; 20 That I am not financially interested in the action 21 and have no contract with the parties, attorneys, or 22 persons with an interest in the action that affects 23 or has a substantial tendency to affect my 24 impartiality. 25 26 WITNESS MY HAND AND SEAL THIS 23rd day of July, 27 2020. 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 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WITNESS 3 4 ASSIGNMENT REFERENCE NO: 4148049 5 CASE NAME: Doxtator, Susan, Et Al. v. O'Brien, Erik, Et Al. 6 DATE OF DEPOSITION: 7/10/2020 7 WITNESS' NAME: Sergeant Mike Knetzger 8 In accordance with the Rules of Civil 9 Procedure, I have read the entire transcript of 10 my testimony or it has been read to me. 11 I have made no changes to the testimony 12 as transcribed by the court reporter. 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</p>

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